

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall  
September 12, 2001  
7:00 PM

**MEMBERS**

Spencer W. Semmes, Chair  
Andrew A. Simasek, Vice Chair  
Robert E. Beil, Jr.  
Robert D. Heavner  
Michael H. Hendricks  
Thomas G. Shepperd  
Ann F. White

**CALL TO ORDER**

Vice Chair Andrew Simasek called the meeting to order at 7:00 p.m.

The roll was called and Messrs. Beil, Heavner, Shepperd, Simasek and Mrs. White were present and Messrs. Hendricks and Semmes were absent. Staff members attending were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Michael S. King and Olivia D. Wilkinson.

Mr. Simasek called for a moment of silence to pay respect to the victims of the tragedies in New York, Virginia and Pennsylvania yesterday in which many lives were lost.

**APPROVAL OF MINUTES**

Mr. Beil moved to adopt the minutes of the regular meeting of August 8, 2001 and they were approved unanimously by roll call vote (5:0).

**REMARKS**

The Vice Chair welcomed visitors and explained the legal mandate of the Planning Commission, its composition of citizen volunteers, and its mission as an advisory body to the Board of Supervisors for land use issues.

**CITIZEN COMMENTS**

**Mr. Adam Frisch**, 203 Royal Grant Drive, spoke about the cluster provisions of the Zoning Ordinance, the implication and purpose of which appear to encourage a tradeoff between developable land and the benefits of open space. The development community seems to be using loopholes in the Ordinance to claim as open space land that would not otherwise be developable, he said, such as considering open water in a creek as open space. He asked the Commission to reconsider the cluster portion of the Zoning Ordinance with a view to "closing some of the loopholes" that might now permit these tradeoffs. As land gets scarcer, developers would use more of these properties and continue to stretch the intent of that section, in his opinion.

Mr. Simasek suggested the County consider redefining the cluster housing provision as to intent. Mr. Carter offered to discuss Mr. Frisch's particular concerns with him and report them back to the Commission.

## **PUBLIC HEARINGS**

**Application No. UP-581-01, Susan B. Towler:** Request for a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a tax preparation service as a home occupation within a single-family detached dwelling located at 209 Hornsbyville Road and further identified as Assessor's Parcel No. 24G-(2)-M.

Ms. Olivia Wilkinson presented a video and oral summary of the staff report to the Commission dated August 28, 2001, in which Ms. Wilkinson noted the staff recommendation of approval.

A discussion ensued in response to a question by Ms. White as to whether the use permit, if approved, would convey with the property. Ms. Wilkinson noted that the Zoning Ordinance requires that the use permit be reviewed in two years for this type of home occupation after which the applicant could reapply for another two-year period. Mr. Shepperd recalled recent deliberations on a request for a similar type of home occupation during which staff advised the Commission that the use permit, once approved, would convey with the property but did not mention a two-year review or reapplication. Mr. Carter said that particular section was misplaced in the Ordinance; a literal interpretation of the Zoning Ordinance as it currently stands would require Mrs. Towler to reapply in two years, he explained, even though that was never the intent. Mr. Carter pointed out that Application No. ZT-60-01, on this meeting's agenda, proposes to correct that placement and observe the original intent of the Ordinance. If the amendments are approved, he added, Mrs. Towler need not reapply.

The members discussed parking in case of more than one client on the premises at the same time. Mr. Carter explained that if more cars were there than could be accommodated in her driveway, she would be required by the Zoning Ordinance to provide adequate surfaced and screened parking.

According to Ms. Wilkinson, several citizens have called to inquire about the nature of the application but none have commented beyond that.

The Vice Chair opened the public hearing.

**Ms. Susan Towler**, 209 Hornsbyville Road, spoke in behalf of her application. She said she will visit many of her clients in their own homes and will not have any parking problems at her home.

There were no others to speak and the Vice Chair closed the public hearing.

Ms. White moved adoption of Resolution PC01-38 to recommend approval and it passed 5:0 (Messrs. Hendricks and Semmes absent).

**Application No. ZT-60-01, York County Planning Commission:** Request to amend Chapter 24.1, Zoning, of the York County Code, to allow consideration of a series of proposed revisions to various sections of the Zoning Ordinance.

Mr. Mark Carter presented the staff report to the Commission dated August 31, 2001 and briefly explained each item. The members asked several questions, which are stated below along with Mr. Carter's replies.

Sec. 24.1-104, Definitions.

- When does an extra bedroom become an accessory apartment?

*An accessory apartment requires a separate, outside entrance, is separated from the main house, and has its own bathroom.*

Sec. 24.1-115, Special use permits.

- How would the establishment of a specially permitted use within an existing building or property be affected by the two-year provision if major renovations were necessary before re-occupancy?

*The building would have to be re-occupied within two years of approval of the use permit.*

- What happens to a use permit that is no longer active?

*When the use is discontinued for two years or more, the use permit is terminated without notice.*

Sec. 24.1-260, General site design standards.

- What is the difference between a flag and a banner? Illumination of them can cause driving hazards.

*The Zoning Ordinance refers to and regulates banners as signs, but exempts from the sign regulations "Flags, emblems or insignia of the United States, the Commonwealth of Virginia, York County, religious groups, civic organizations, service clubs and similar organizations, groups, agencies, etc."*

- How can security lighting that is controlled by sensors be kept from spilling over into residential areas? Can the fixtures be retrofitted to bring them into compliance with the terms of Zoning Ordinance?

*Section 24.1-260 dealing with general site design standards proposes to require "full cut-off luminaires" that may be greater than 3000 lumens; that section could apply to security lighting in a multi-family residential project but would not likely apply to the lower intensity lighting associated with single-family residential dwellings. The Zoning Ordinance will not require replacement of existing fixtures but the County encourages and works with applicants to shield their lighting if it is not currently shielded.*

- Would the proposed streetlight improvements apply to a small, light industrial development of two- and three-acre lots with developer-improved roads?

*Yes, they would.*

Secs. 24.1-271 and -272, Accessory Uses.

- Does the County allow a resident to park a semi-tractor-trailer on his residential property with a minimum lot size? Some people need to park their work vehicles at home and it would appear to be overly restrictive and intrusive to prohibit that under certain circumstances.

*There is no current proposal to revise the Ordinance to allow the commercial use of residentially zoned property. The Ordinance provides for special use permits for home occupations involving heavy equipment and for parking large types of commercial vehicles on appropriately zoned properties. However, a long-distance driver would not be operating a home occupation under our definition so there is no process to apply to keep such a vehicle on residential property.*

Mr. Carter cautioned against allowing as home occupations tractor-trailers that are used for long-distance hauling because it would open the door to significant neighborhood impacts. Mr. Shepperd indicated there is a dump truck that currently parks in a County subdivision. Also, he said, much of the County is zoned for residential uses where a semi shouldn't bother anyone because it would be hidden. He asked if there are opportunities to allow that as a special use. Mr. Simasek recommended that the staff research how other jurisdictions handle this issue for possible later review but not as part of this application.

- Can citizens live in a camper, or something similar, for a short term because of a natural disaster that requires major renovations to their residence?

*The Ordinance permits living in a manufactured home during construction of a permanent residence, but a specific response will require staff research.*

- Regarding fence heights where there are two side yards but no "rear yard," is an eight-foot fence – normally reserved for rear yards - acceptable for a side yard?

*The Ordinance does not allow an eight-foot-high fence on any portion of a property that could be considered a "side yard," in order to maintain aesthetic consistency and continuity.*

Mr. Heavner questioned the use of both the U. S. Customary system and the metric system of measurements in the Zoning Ordinance. Mr. Carter indicated that the County is in the process of eliminating references to the metric system in the County Code and it would be suitable to eliminate all references to metrics in the proposed revisions.

Mr. Simasek opened the public hearing.

**Mr. Mark Rinaldi**, Landmark Design Group, Williamsburg, expressed concern about the proposed definition of surface mines and the exemption for excavation that is intended for drainage, recreational, or aesthetic purposes in accordance with approved development plans or site plans for a residential, commercial, industrial, or other development activity. He noted that site development is often best pursued with a phased approach so that the stormwater ponds are approved and constructed at the beginning to handle stormwater runoff that occurs during construction. Mr. Carter responded that this type of approach would in fact be authorized under the proposed amendment. He explained that if the stormwater management facilities are being constructed as part of a coordinated and comprehensive approach to the development of the property and are indicated on a plan of overall development, this would be permitted under the amendments.

The Vice Chair closed the public hearing, seeing no others who wished to speak.

Mr. Shepperd stated that there are issues to be considered later but the proposed amendments appear to capture the major issues. Mr. Simasek asked if there are any parking conflicts at this time and Mr. Carter indicated there are not.

Ms. White moved the adoption of Resolution PC01-27(R), revised to eliminate all references to metric measurements in Sections 24.1-271 and -272 as they refer to fences. Upon roll call, the vote to approve was unanimous (5:0, Messrs. Hendricks and Semmes absent).

## **STAFF REPORTS**

Mr. Carter recommended that the Commission call a work session to discuss accessory apartments.

He encouraged prompt completion and return of the recently issued questionnaires to assist the staff in focusing on issues of particular interest or concern to the members. Mr. Simasek recommended that the questionnaires be returned to staff by September 21<sup>st</sup>.

Mr. Carter reported that the Planning Division web site has recently added a feature allowing citizens to comment on-line about particular applications. At the Vice Chair's suggestion, Mr. Carter will ensure that the County is using Channel 46 to inform the public of the County's web address; Mr. Simasek suggested that it be displayed on screen during Commission meetings, as well.

Mr. Carter noted that three applications to serve on a committee to study Yorktown Design Guidelines have been received, and the first meeting of the full committee will be convened sometime after October 1.

Mr. Carter reported on recent actions of the Board of Supervisors.

## **COMMISSION REPORTS AND REQUESTS**

Mr. Simasek reported on the recent special meeting of the Regional Issues Committee focusing on affordable housing. Special presentations covered ways in which the state and housing authorities were dealing with financing affordable housing, and cluster housing also was discussed.

## **FUTURE BUSINESS**

Mr. Carter apprised the Commission of applications for future public hearings.

## **ADJOURNMENT**

Vice Chair Simasek called adjournment at 9:08 p.m.

**SUBMITTED:** \_\_\_\_\_/s/\_\_\_\_\_  
Phyllis P. Liscum, Secretary

**APPROVED:** \_\_\_\_\_/s/\_\_\_\_\_  
Spencer W. Semmes, Chair

DATE: October 10, 2001